

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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ALISHA W. WILKES, )  
Plaintiff, )  
v. ) Civ. No. 1:10-cv-01160 (CMH-TRJ)  
)  
EXPERIAN INFORMATION )  
SOLUTIONS, INC., et al., )  
Defendants. )  
)

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**PROPOSED DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f), Local Civil Rule 26(A) and the Court's Order of February 2, 2011, the parties hereby propose the following joint Discovery Plan:

1. Conclusion of Discovery. Discovery will be concluded by Friday, **June 10, 2011** as provided in the Court's Initial Scheduling Order.
2. Initial Disclosures. The parties agree that all Fed. R. Civ. P. 26(a)(1) disclosures shall be completed by **February 23, 2011**.
3. Claims, Defenses and Settlement. The parties have conferred as to the nature and basis of their claims. At this time, the parties agree that it is premature for them to engage in settlement discussions. However, the parties are willing to consider Court-supervised mediation at an appropriate time, individually or collectively.
4. Discovery Schedule. The parties do not believe that the Local Civil Rules should be altered with respect to the timing of discovery. Accordingly, all requests for written discovery should be served so that answers thereto shall be due to be served not later than the discovery cut-off date.

5. Service of Papers and Pleadings. The parties agree to accept service of any non-ECF pleadings and papers by email in .pdf format upon counsel of record, with an additional copy served via First-Class United States mail.

6. Discovery of Electronically Stored Information. The parties agree to work in good faith to coordinate the manner in which ESI is to be produced.

7. Privileged or Protected Materials. The parties agree that to the extent any party intends to assert a claim of privilege or protection as trial preparation material, any such claim must be made in a timely manner and in accordance with Fed. R. Civ. P. 26(b)(5). The parties agree that inadvertent production of privileged materials shall not constitute a waiver of privileges or protections so long as the producing party notifies the receiving party promptly upon discovery of the inadvertent production. Disputes concerning privileges and protections shall be addressed in accordance with Fed. R. Civ. P. 26(b)(5)(B).

8. Protective Orders. Counsel agree to discuss entry of a stipulated protective order.

9. Filings Under Seal. The parties recognize that filings under seal are disfavored and discouraged, See *Va. Dep 't of State Police v. Washington Post*, 386 F.3d 567, 575-576 (4th Cir. 2004). Any motion to file a document under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must comply with Local Civil Rule 5 and must be noticed for a hearing in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings.

10. Expert Discovery,

a. The parties agree that expert discovery is necessary. The party with the burden of proof as to any issue shall make its expert disclosures by **March 18, 2011**. Responding disclosures are due **April 22, 2010**. To the extent they are necessary, rebuttal disclosures are due **May 20, 2011**.

11. Subjects of Discovery. The parties agree that discovery relevant to the claims and defenses contained in the pleadings will be appropriate, subject to all objections permitted by the applicable rules.

12. Trial by Magistrate. The parties agree that all proceedings, including trial, shall be conducted before the United States Magistrate Judge.

13. Chambers Copies of Motions. A paper copy of any non-dispositive motion and all papers relating to the motion shall be delivered directly to the chambers of the undersigned magistrate judge upon filing. See ECF Policies and Procedures, Alexandria Courtesy Copy Information.

14. Motions Procedures.

a. All motions, except for summary judgment, shall be noticed for a hearing on the earliest possible Friday before the Final Pretrial Conference on **June 16, 2011**. Ten working days' notice is required for motions to dismiss, for summary judgment and for judgment on the pleadings. A non-dispositive motion must be filed 5:00 p.m. the Friday before the Friday for which it is noticed, with a response due by 5:00 p.m. the Wednesday before the hearing. All motions must contain a statement that a good faith effort to narrow areas of disagreement has been made in accordance with Local Civil Rule 7(E) and Local Civil Rule 37(E) for discovery motions.

b. If the filing of an amended pleading results in additional motions pursuant to Fed. R. Civ. P. 12, all such Fed. R. Civ. P. 12 issues shall be raised in one pleading unless leave of court is first obtained. All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained.

c. All motions must adhere to the page limits set in Local Civil Rule 7(F)(3). No pleading shall be in type less than ten (10) pitch or twelve (12) point font.

15. Filing of Certain Materials. Disclosures under Fed. R. Civ. P. 26(a)(1) and (2), notices of depositions, interrogatories, request for documents and admissions, and answers thereto shall not be filed except on order of the Court, or for use in a motion or at trial.

16. Disclosures, Exhibit Lists, Witness Lists and Stipulations. The parties agree that the Rule 26(a)(3) disclosures, a list of exhibits to be used at trial, a list of the witnesses to be called at trial and a written stipulation of uncontested facts will be filed electronically with the Court on or before the Final Pretrial Conference. Objections to exhibits will be filed within 10 days after the Final Pretrial Conference; otherwise the exhibits shall stand admitted in evidence. The original exhibits shall be delivered to the clerk as provided by Local Civil Rule 79(A).

17. Jury Instructions and Voir Dire. In the event this case is tried before a jury, each party shall proceed in accordance with Local Civil Rules concerning jury instructions and objections.

The parties respectfully request that the Court adopt this Discovery Plan.

ALISHA W. WILKES

/s/

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